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Adoption & Foster Care

1. "Abused Again: Competing Constitutional Standards for the State's Duty to Protect Foster Children." 29 *Columbia Journal of Law and Social Problems* 385 (1996).
2. Eskay, Bo. "H.B. 2168 - Codifying a Shift in Social Values Toward Transracial Adoption." 28 *Arizona State Law Journal* 711 (1996).
3. Garrison, Marsha. "Parents' Rights vs. Children's Interests: The Case of the Foster Child." 22 *New York University Review of Law and Social Change* 371 (1996).
4. Johnson, Mathew B. "Examining Risks to Children in the Context of Parental Rights Termination Proceedings." 22 *New York University Review of Law and Social Change* 397 (1996).
5. Metter, Christine. "*Pigs in Heaven*: A Parable of Native American Adoption Under the Indian Child Welfare Act." 28 *Arizona State Law Journal* 589 (1996).

Alternative Dispute Resolution

6. Blitman, Bruce A. and Edward P. Ahrens. "Working the Mediation Advantage." 23 *Barrister* 32 (Profile 1996).
7. Bone, Robert G. "Lon Fuller's Theory of Adjudication and the False Dichotomy Between Dispute Resolution and Public Law Models of Litigation." 75 *Boston University Law Review* 1273 (1996).
8. Chernick, Richard. "Strict Confidence: Documenting and Enforcing Settlements." 109 *Los Angeles Daily Journal* 7 (August 28, 1996).
9. Feerick, John D. "Standards of Conduct for Mediators." 79 *Judicature* 314 (1996).
10. Gatowski, Sophia I., *et al.* "Court-Annexed Arbitration in Clark County, Nevada: An Evaluation of Its Impact on the Pace, Cost, and Quality of Civil Justice." 18 *Justice System Journal* 287 (1996).
11. Hayford, Stephen L. "Law in Disarray: Judicial Standards for Vacatur of Commercial Arbitration Awards." 30 *Georgia Law Review* 731 (1996).
12. Hazard, Geoffrey C. "The Settlement Black Box." 75 *Boston University Law Review* 1257 (1996).
13. Maull, John. "ADR in the Federal Courts: Would Uniformity be Better?" 34 *Duquesne Law Review* 245 (1996).
14. McConnell, Marianne. "Mediation - An Alternative Approach for the New Jersey Juvenile Justice System?" 20 *Seton Hall Legislative Journal* 433 (1996).
15. Noonan, Daniel A. and Judith M. Bostetter. "Alternative Dispute Resolution in Wisconsin: A Court Referral System." 78 *Marquette Law Review* 609 (1996).
16. Sawyer, Lauri Washington. "The Implementation of the Purposes of the Federal Arbitration Act

- or an Unjustified Intrusion into State Sovereignty? (*Allied-Bruce Terminix Companies v. Dobson*, 115 S. Ct. 834 (1995))." 47 *Mercer Law Review* 645 (1996).
17. Sherman, Edward F. "The Impact on Litigation Strategy of Integrating Alternative Dispute Resolution into the Pretrial Process." 15 *Review of Litigation* 503 (1996.)
18. Weinzierl, Michael E. "Wisconsin's New Court-Ordered ADR Law: Why it is Needed and Its Potential for Success." 78 *Marquette Law Review* 583 (1996).
19. White, Penny J. "Yesterday's Vision, Tomorrow's Challenge: Case Management and Alternative Dispute Resolution in Tennessee." 26 *University of Memphis Law Review* 957 (1996).

Capital Cases & Capital Sentencing

20. Coben, Larry E. "The *Daubert* Decision: Gatekeeper or Executioner?" 32 *Trial* 52 (August 1996).
21. Gatland, Laura. "Pro Bono on Death Row." 23 *Barrister* 13 (Profile 1996).
22. Everhart, Stephen M. "Precluding Psychological Experts from Testifying for the Defense in the Penalty Phase of Capital Trials: The Constitutionality of Florida Rule of Criminal Procedure 3.202(e)." 23 *Florida State University Law Review* 933 (1996).
23. Jackson, Sherri. "Too Young to Die - Juveniles and the Death Penalty - A Better Alternative to Killing our Children: Youth Empowerment." 22 *New England Journal of Criminal and Civil Confinement* 391 (1996).
24. Klasmeier, Coleen E. "Towards a New Understanding of Capital Clemency and Procedural Due Process." 75 *Boston University Law Review* 1507 (1996).
25. Lee, Tena Jamison. "Did Florida Almost Execute an Innocent Man?" 23 *Human Rights* 18 (Summer 1996).
26. Lefstein, Norman. "Reform of Defense Representation in Capital Cases: The Indiana Experience and its Implications for the Nation." 29 *Indiana Law Review* 495 (1996).
27. Moore, Michael D. "Tinkering With the Machinery of Death: An Examination and Analysis of State Indigent Defense Systems and Their Application to Death-Eligible Defendants." 37 *William & Mary Law Review* 1617 (1996).

Child Custody, Visitation & Support

28. Beyer, Margaret. "Too Little, Too Late: Designing Family Support to Succeed." 22 *New York University Review of Law and Social Change* 311 (1996).
29. DeMarce, Karl A.W. "Devaluing Caregiving in Child Support Calculations: Imputing Income to Custodial Parents who Stay Home with Children (*Stanton v. Abbey*, 874 S.W.2d 493 (Mo. Ct. App. 1994))." 61 *Missouri Law Review* 429 (1996).

30. Hafen, Bruce C. and Jonathan O. Hafen. "Abandoning Children to Their Autonomy: The United Nations Convention on the Rights of the Child." 37 *Harvard International Law Journal* 449 (1996).
31. Harper, Michael. "*Broadbent v. Broadbent*: Arizona Adopts the 'Reasonable Parent' Standard." 28 *Arizona State Law Journal* 699 (1996).
32. Kane, Andrew. and Marc J. Ackerman. "Recent Trends in Child Custody Case Law: Psychologists' Perspectives." 10 *American Journal of Family Law* 71 (1996).
33. Kearney, Mary Kate. "The New Paradigm in Custody Law: Looking at Parents With a Loving Eye." 28 *Arizona State Law Journal* 543 (1996).
34. Lester, Barry M. "Keeping Mothers and Their Infants Together: Barriers and Solutions." 22 *New York University Review of Law and Social Change* 425 (1996).
35. Masliansky, Nechama. "Child Custody and Visitation Determinations When Domestic Violence has Occurred." 30 *Clearinghouse Review* 273 (1996).
36. McKeon, Merritt L. "International Parental Kidnapping: A New Law, A New Solution." 30 *Family Law Quarterly* 235 (1996).
37. Schudson, Charles B. "What Children Can't Tell Us and Why." 19 *Family Advocate* 56 (Summer 1996).
38. Schwarz, Erika R. "When 'Neutral' Doesn't Really *Mean* 'Neutral': Louisiana's Child Custody Laws - An Attempt to Erase Gender Bias in the Name of Neutrality." 42 *Loyola Law Review* 365 (1996).
39. "Sibling Rights to Visitation: A Relationship Too Valuable to be Denied: *Joel v. Williams*" 27 *University of Toledo Law Review* 99 (1996).
40. Torline, Stephen J. "Sacrificing the Best Interests of a Child in Favor of the Parental Rights of an Ex-Con." 35 *Washburn Law Journal* 515 (1996).
41. Tortorella, Margaret. "When Supervised Visitation is in the Best Interests of the Child." 30 *Family Law Quarterly* 199 (1996).
42. Wagner, Karen. "Building a Legal System for the Children." 23 *Barrister* 17 (Profile 1996).
43. Wistner, Rebecca A. "Abusing the Power to Regulate: The Child Support Recovery Act of 1992." 46 *Case Western Reserve Law Review* 935 (1996).

Courts & Court Administration

44. Arnold, Hon. Richard S. "Money, or the Relations of the Judicial Branch with the Other Two Branches, Legislative and Executive." 40 *St. Louis University Law Journal* 19 (1996).
45. Grahm, Marty. "DA's Decision to Challenge Judge Debated." 109 *Los Angeles Daily Journal* 1 (August 30, 1996).

46. Harris, Michael D. "Report Finds Output Low in L.A.'s Courts." 109 *Los Angeles Daily Journal* 1 (August 27, 1996).
47. Harris, Michael D. "Study Describes Security Threat at Courthouse." 109 *Los Angeles Daily Journal* 1 (August 7, 1996).
48. Hoffman, Jonathan M. "By the Course of the Law: The Origins of the Open Courts Clause of State Constitutions." 74 *Oregon Law Review* 1279 (1995).
49. Kessler, John E. and Matthew D. Harper "At What Cost Judicial Economy: the Effects of Amended Appellate Rule 12." 24 *Capital University Law Review* 549 (1995).
50. Kloppenberg, Lisa A. "The Public Interest in the Work of the Courts: Opinions and Beyond." 75 *Oregon Law Review* 249 (1996).
51. Peterson, Todd D. "Studying the Impact of Race and Ethnicity in the Federal Courts." 64 *The George Washington Law Review* 173 (1996).
52. Pollak, Louis H. "Criticizing Judges." 79 *Judicature* 298 (1996).
53. Wasby, Stephen L. "Termination of Personnel: Conflicts Between Staff and Judges." 18 *Justice System Journal* 333 (1996).

Criminal Justice

54. Chernoff, Harry A., Christopher M. Kelly and John R. Kroger. "The Politics of Crime." 33 *Harvard Journal on Legislation* 527 (1996).
55. Corrado, Michael Louis. "Punishment and the Wild Beast of Prey: The Problem of Preventive Detention." 86 *Journal of Criminal Law and Criminology* 778 (1996).
56. Griset, Pamala L. "Discretion, Disparity, and Discrimination in Sentencing: Where Have all the Critics Gone?" 35 *Judges Journal* 2 (Summer 1996).
57. Henderson, Lynne. "Fletcher: With Justice for Some: Victims' Rights in Criminal Trials (Book Review)." 94 *Michigan Law Review* 1596 (1996).
58. Jeffery, Shann R. "Prisoners' Rights." 73 *Denver University Law Review* 883 (1996).
59. Latino, Steven M. "Reversing Twenty Years of Supreme Court Postconviction Jurisprudence: Enlarging the Indigent Capital Defendant's Right to Postconviction Counsel in ... (*McFarland v. Scott*, 114 S. Ct. 2568 (1994))." 22 *New England Journal Criminal & Civil Confinement* 327 (1996).
60. Leo, Richard A. "The Impact of *Miranda* Revisited." 86 *Journal of Criminal Law and Criminology* 621 (1996).
61. Lewis, Mike. "Bill to Soften Three Strikes is Withdrawn." 109 *Los Angeles Daily Journal* 1 (August 7, 1996).

62. Misner, Robert L. "Recasting Prosecutorial Discretion." 86 *Journal of Criminal Law and Criminology* 717 (1996).
63. O'Connell, Erin E. "Prison Terms for Prior Offenses Without the "Guided Hand" of Counsel. (*Nichols v. United States*, 114 S. Ct 1921 (1994))." 22 *New England Journal of Criminal and Civil Confinement* 361 (1996).
64. Taifa, Nkechi. "Cracked Justice: A Critical Examination of Cocaine Sentencing." 27 *University of West Los Angeles Law Review* 107 (1996).
65. White, Elisa Masterson. "Criminal Procedure--Good Faith, Big Brother, and You. (*Arizona v. Evans*, 115 S. Ct. 1185 (1995))." 18 *University of Arkansas - Little Rock Law Journal* 533 (1996).

Domestic Relations

66. Davis, Peggy Cooper. "The Good Mother: A New Look at Psychological Parent Theory." 22 *New York University Review of Law and Social Change* 347 (1996).
67. Farabee, Lisa M. "Marriage, Equal Protection, and the New Judicial Federalism: The View from the States." 14 *Yale Law & Policy Review* 237 (1996).
68. Fields, Marjory D. "Practical Ideas for Trial Judges in Domestic Violence Cases." 35 *Judges Journal* 32 (Summer 1996).
69. Frank, Christopher R. "Criminal Protection Orders in Domestic Violence Cases: Getting Rid of Rats With Snakes." 50 *University of Miami Law Review* 919 (1996).
70. Gibson, Jeffrey G. "A Case for Same Gender Marriage." 23 *Human Rights* 22 (Summer 1996).
71. Guerra, Sandra. "Family Values?: The Family as an Innocent Victim of Civil Drug Asset Forfeiture." 81 *Cornell Law Review* 343 (1996).
72. Ikemi, Roberta M. "You Can Run But Can You Hide? Relocation Rights and Domestic Violence." 30 *Clearinghouse Review* 308 (1996).
73. Kenney, Lynne M. and Diana Vigil. "A Lawyer's Guide to Therapeutic Interventions in Domestic Relations Court." 28 *Arizona State Law Journal* 629 (1996).

Employment Law Issues

74. Biddle, Steve. "The Employment Protection Act of 1996: Restoring the Balance in Employment Relationships or Curtailing Employees' Rights?" 33 *Arizona Attorney* 35 (1996).
75. Gottlieb, Mark and Richard A. Daynard "Blowing Smoke out of the Workplace." 32 *Trial* 24 (August 1996).
76. Kovacic, William E. "Whistleblower Bounty Lawsuits as Monitoring Devices in Government

- Contracting." 29 *Loyola of Los Angeles Law Review* 1799 (1996).
77. Leinhard, Rosanne. "Negligent Retention of Employees: An Expanding Doctrine." 63 *Defense Counsel Journal* 389 (1996).
78. Levay, Renee. "Employment Law - *Equal Employment Opportunity Commission v. Walden Book Co.*: Does/Should Title VII Apply to Same Gender Sexual Harassment?" 26 *University of Memphis Law Review* 1601 (1996).
79. Lukens, Robert. "Workplace Sexual Harassment and Individual Liability." 69 *Temple Law Review* 303 (1996).
80. Malamud, Deborah C. "Class-Based Affirmative Action: Lessons and Caveats." 74 *Texas Law Review* 1847 (1996).
81. Nielson, Howard C. Jr. "Recklessly False Statements in the Public-Employment Context." 63 *University of Chicago Law Review* 1277 (1996).
82. Ninomiya, Roland B. "Under the Westfall Act, a Plaintiff Can Obtain Judicial Review of the Attorney General's Certification that the Defendant-Employee Was Acting Within the Scope of her Employment (*Gutierrez de Martinez v. Lamagno*, 115 S.Ct. 2227 (1995))." 4 *George Mason Law Review* 485 (1996).
83. Query, Toni J. "A Rose By Any Other Name No Longer Smells as Sweet: Disparate Treatment Discrimination and the Age Proxy Doctrine After ...(*Hazen Paper Co. v. Biggins*, 507 U.S. 604 (1993))." 81 *Cornell Law Review* 530 (1996).

Ethics

84. Davis, Ann. "Bar Readmissions Cloaked in Secrecy." 18 *National Law Journal* A16 (August 12, 1996).
85. Elkins, James R. "Thinking Like a Lawyer: Second Thoughts." 47 *Mercer Law Review* 511 (1996).
86. "The Evidentiary Use of the Ethics Codes in Legal Malpractice: Erasing a Double Standard." 109 *Harvard Law Review* 1102 (1996).
87. Freedman, Monroe H. "The Life-Saving Exception to Confidentiality: Restating Law Without the Was, the Will Be or the Ought to Be." 29 *Loyola of Los Angeles Law Review* 1631 (1996).
88. Gabriel, Henrey and Kimber L. Tuttle. "Duties of the Court Appointed Attorney." 27 *Texas Tech Law Review* 429 (1996).
89. Rhode, Deborah L. "Professionalism in Perspective: Alternative Approaches to Nonlawyer Practice." 22 *New York University Review of Law and Social Change* 701 (1996).
90. Tate, Kathryn W. "The Hypothetical as a Tool for Teaching the Lawyer's Duty of Confidentiality." 29 *Loyola of Los Angeles Law Review* 1659.

91. Teachout, Peter R. "Uneasy Burden: What it Really Means to Learn to Think Like A Lawyer." 47 *Mercer Law Review* 543 (1996).

Evidence

92. Campbell, Karen Martin. "Roll Tape - Admissibility of Videotape Evidence in the Courtroom." 26 *University of Memphis Law Review* 1445 (1996).
93. Carlson, Ronald L. "Experts, Judges and Commentators: The Underlying Debate About an Experts Underlying Data." 47 *Mercer Law Review* 481 (1996).
94. Dripps, Donald A. "Police, Plus Perjury, Equals Polygraphy." 86 *Journal of Criminal Law & Criminology* 693 (1996).
95. Faigman, David L. "Making the Law Safe for Science: A Proposed Rule for the Admission of Expert Testimony." 35 *Washburn Law Journal* 401 (1996).
96. Gay, Terry Christovich. "Pseudo-Scientists at the Gate: The New FJC Manual Will Help." 63 *Defense Counsel Journal* 331 (1996).
97. Hannan, Edward A. "Computer-Generated Evidence: Pushing the Envelope." 63 *Defense Counsel Journal* 353 (1996).
98. Harris, David A. "Superman's X-ray Vision and the Fourth Amendment: The New Gun Detection Technology." 69 *Temple Law Review* 1 (1996).
99. Imwinkelried, Edward J. "Developing A Coherent Theory of the Structure of Federal Rule of Evidence 703." 47 *Mercer Law Review* 447 (1996).

Government

100. Marcello, David A. "The Ethics and Politics of Legislative Drafting." 70 *Tulane Law Review* 2437 (1996).
101. Mulcahy, Charles C. and Marion E. Mulcahy. "Innovation as the Key to a Redesigned and Cost Effective Local Government." 78 *Marquette Law Review* 547 (1996).
102. Nagel, Robert F. "The Future of Federalism." 46 *Case Western Reserve Law Review* 643 (1996).

Guardianship

103. Schwartz, Meryl. "Reinventing Guardianship: Subsidized Guardianship, Foster Care, and Child Welfare." 22 *New York University Review of Law and Social Change* 441 (1996).
104. Whitton, Linda S. "Caring for the Incapacitated -- A Case for Nonprofit Surrogate Decision Makers in the Twenty-First Century." 64 *University of Cincinnati* 879 (1996).

105. Ziegler, Dolores. "Watching the Watchers; Innovative Program Uses Volunteers to Monitor Court-Appointed Guardians." 109 *Los Angeles Daily Journal* 1(August 28th, 1996).

Juries & Jury Reform

106. Collignon, Amy K. "Searching for an Acceptable Reasonable Doubt Jury Instruction in Light of...(Victor v. Nebraska, 114 S.Ct. 1239 (1994))." 40 *St. Louis University Law Journal* 145 (1996).
107. Field, Karen H., Mark A. Zaffarano and Yihwa Irene Liou. "Bringing Technology to the Jury Deliberation Table." 18 *Justice System Journal* 317 (1996).
108. Leibold, Gregory D. "In Juries We do not Trust: Appellate Review of Patent-Infringement Litigation." 67 *University of Colorado Law Review* 623 (1996).
109. McMahon, Colleen and David L. Kornblau. "Chief Judge Judith S. Kaye's Program of Jury Reform in New York." 10 *St. John's Journal of Legal Commentary* 263 (1995).
110. Newman, Ted C. "Fair Cross-Sections and Good Intentions: Representation in Federal Juries." 18 *Justice System Journal* 211 (1996).
111. Rodgers, Fredric B. "The Jury in Revolt? A "Heads Up" on the Fully Informed Jury Association Coming Soon to a Courthouse in your Area." 35 *Judges Journal* 10 (Summer 1996).
112. Sharkey, Lisa M. "Judge or Jury: Who Should Assess Punitive Damages?" 64 *University of Cincinnati Law Review* 1089 (1996).
113. Stockwell, Lance and David C. Schrader. "Factors that Persuade Jurors." 27 *University of Toledo Law Review* 99 (1996).

Juvenile Justice Reform

114. Berg, Martin. "Seeking to Debunk Youth Crime Myths." 109 *Los Angeles Daily Journal* 1 (August 9, 1996).
115. Dean, Charles W. , J. David Hirschel and Robert Brame. "Minorities and Juvenile Case Dispositions." 18 *Justice System Journal* 267 (1996).
116. "Disclosing the Identities of Juvenile Felons: Introducing Accountability to Juvenile Justice." 27 *Loyola University of Chicago Law Journal* 349 (1996).
117. Forquer, Lise. "California's Three Strikes Law -- Should a Juvenile Adjudication be a Ball or a Strike?" 32 *San Diego Law Review* 1297 (1995).
118. Zhang, Sheldon X. "The Efficiency of Working Under One Roof: An Evaluation of Los Angeles County Juvenile Justice Centers." 42 *Crime and Delinquency* 257 (1996).

General Interest

119. "The Appearance of Justice: Juries, Judges, and the Media." 86 *Journal of Criminal Law and Criminology* 1096 (1996).
120. Gilles, Stephen G. "On Educating Children: A Parentalist Manifesto." 63 *University of Chicago Law Review* 937 (1996).
121. Hoffmann, Diane E., Sheryl Itkin Zimmerman and Catherine J. Thompkins. "The Dangers of Directives or the False Security of Forms." 24 *Journal of Law, Medicine and Ethics* 5 (1996).
122. Jackson, Darrel. "The Constitution Expelled: What Remains of Students' Fourth Amendment Rights?" 28 *Arizona State Law Journal* 673 (1996).
123. Kramer, Larry. "Choice of Law in Complex Litigation." 71 *New York University Law Review* 547 (1996).
124. Larizza, R.J. "Paranoia, Patriotism, and the Citizen Militia Movement: Constitutional Right or Criminal Conduct?" 47 *Mercer Law Review* 581 (1996).
125. Nidiry, Rosemary. "Restraining Adversarial Excess in Closing Argument." 96 *Columbia Law Review* 1299 (1996).
126. Nowicki, Elizabeth A. "Competition in the Local Telecommunications Market: Legislate or Litigate?" 9 *Harvard Journal of Law & Technology* 353 (1996).
127. Pappas, Alexia. "Welfare Reform: Child Welfare or the Rhetoric of Responsibility?" 45 *Duke Law Journal* 1301 (1996).
128. Reblin, Kelly L. "NAFTA and the Environment: Dealing with Abnormally High Birth Defect Rates Among Children of Texas-Mexico Border Towns." 27 *St. Mary's Law Journal* 929 (1996).
129. Reed, Roni R. "Education and the State Constitutions: Alternatives for Suspended and Expelled Students." 81 *Cornell Law Review* 582 (1996).
130. Singhal, Anjali. "The Piracy of Privacy? A Fourth Amendment Analysis of Key Escrow Cryptography." 7 *Stanford Law & Policy Review* 189 (1996).
131. Smith, J. Linwood. "Drunk Driving, Administrative License Suspension, and Double Jeopardy in Virginia (*Tench v. Commonwealth*, 462 S.E.2d 922 (Va. Ct. App. 1995))." 4 *George Mason Law Review* 521 (1996).
132. Sossin, Lorne. "The Criminalization and Administration of the Homeless: Notes on the Possibilities and Limits of Bureaucratic Engagement." 22 *New York University Review of Law and Social Change* 623 (1996).